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Calendar No. 312

101ST CONGRESS
1st Session

SENATE

REPORT
101-171

APPROVING THE LOCATION OF THE MEMORIAL TO THE WOMEN WHO SERVED IN VIETNAM

OCTOBER 24 (legislative day, SEPTEMBER 18), 1989.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S.J. Res. 207]

The Committee on Energy and Natural Resources, to which was referred the joint resolution (S.J. Res. 207) approving the location of the memorial to the women who served in Vietnam, having considered the same, reports favorably thereon without amendment and recommends that the joint resolution do pass.

PURPOSE OF THE MEASURE

The purpose of Senate Joint Resolution 207 is to approve the recommendation of the Secretary of the Interior to locate the memorial to the women who served in Vietnam in area I, the area comprising the District of Columbia's central monumental core as defined by Public Law 99-652.

BACKGROUND AND NEED

In 1986, Congress enacted Public Law 99-652, an act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs. This legislation set forth specific standards and criteria for the authorization, siting, and design of memorials on Federal lands in the District.

In most instances, memorials are authorized by the Congress to be constructed on Federal lands in the District without specific reference to where in the District they are to be located. That decision is made later by the Secretary of the Interior or the Administrator of the General Service Administration, as appropriate, using the

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criteria outlined in Public Law 99-652, and in consultation with the National Capital Memorial Commission.

The legislation further specifies that the Secretary or the Administrator can agree to locate commemorate works in "area I" only if the subject of such work is found to be of "preeminent historical and lasting significance to the Nation." Area I includes the city's central monumental core: the Mall, the Ellipse, the Washington Monument Grounds, West Potomac Park, Theodore Roosevelt Island, and Lady Bird Johnson Park.

Should the Secretary or the Administrator make such a finding, there is an additional step. That recommendation must be submitted to the Congress for approval. Unless the Congress enacts legislation within 150 days concurring in such a determination, the Secretary's recommendation is deemed disapproved. This procedure for congressional approval was included in recognition of the fact that sites in area I are rapidly disappearing and that decisions to site memorials in this area should receive review from the Congress.

On September 8, 1989, the Secretary of the Interior transmitted such a recommendation to the Congress regarding the Memorial to the Women who served in Vietnam. The Secretary, with the concurrence of the National Capital Memorial Commission, has determined that this commemorative work, authorized in the 100th Congress, be located in area I. Further decisions about the specific design and location of the memorial within area I will be made at a later date by the National Capital Memorial Commission, the Commission of Fine Arts, the National Capital Planning Commission, and the Secretary of the Interior.

Senate Joint Resolution 207 provides congressional approval of this decision by the Secretary.

LEGISLATIVE HISTORY

Senate Joint Resolution 207 was introduced by Senator Johnston (by request) on September 26, 1989. No hearing has been held on the Secretary's area I recommendation; however, a hearing was held during the 100th Congress on the authorizing legislation for the Vietnam Women's Memorial.

At the business meeting on October 4, 1989, the Senate Committee on Energy and Natural Resources ordered Senate Joint Resolution 207 favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on October 4, 1989, by a unanimous vote of a quorum present, recommends that the Senate pass Senate Joint Resolution 207 as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum [1]	

Mr. Bradley [1]
Mr. Bingaman [1]
Mr. Wirth [1]
Mr. Conrad
Mr. Heflin
Mr. Rockefeller [1]
Mr. McClure
Mr. Hatfield [1]
Mr. Domenici [1]
Mr. Wallop [1]
Mr. Murkowski
Mr. Nickles [1]
Mr. Burns [1]
Mr. Garn [1]
Mr. McConnell

[1] Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office estimate of the costs of this measure has been requested but was not received at the time the report was filed. When the report is available, the chairman will request it to be printed in the Congressional Record for the advice of the Senate.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out Senate Joint Resolution 207. The joint resolution is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of Senate Joint Resolution 207, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative correspondence received by the committee from the Department of the Interior setting forth executive agency recommendations relating to Senate Joint Resolution 207 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, 20240, September 8, 1989.

Hon. DAN QUAYLE,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: The Act approved November 15, 1988 (102 Stat. 3922), authorizes the Vietnam Women's Memorial Project, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed

Forces of the United States in the Republic of Vietnam during the Vietnam era.

Section 1(b) of the Act requires that the establishment of the memorial be in accordance with the Commemorative Works Act of November 14, 1986 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).

The Vietnam Women's Memorial Project, Inc., has proposed that the memorial be located in Area I, the area comprising the central monumental core of the District of Columbia and its environs. Section 6 of the Commemorative Works Act sets forth standards and procedures for locating a memorial in Area I. Military memorials may be established only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No memorial commemorating a lesser conflict or a unit of an Armed Force shall be permitted in either Area I or Area II. In addition, section 6(a) provides that the Secretary of the Interior may approve the location of a commemorative work in Area I only if he finds that the subject of the work is of preeminent historical and lasting significance to the Nation. That subsection directs the Secretary, after consultation with the National Capital Memorial Commission, to notify the Congress of his determination that a commemorative work should be located in Area I; and the location in Area I shall be deemed disapproved unless within 150 days of the notification it is approved by law.

On March 9, 1989, the National Capital Memorial Commission recommended to me that the memorial to honor women who served in the Armed Forces of the United States in Vietnam during the Vietnam era be located in Area I. This proposed memorial will complete the Nation's formal commemoration of our Armed Forces who fought in the Vietnam War, an event that profoundly affected the military, social, and political history of the United States. I therefore find the subject to be of preeminent historical and lasting significance to the Nation, and I have determined that the memorial authorized by the Act approved November 15, 1988 (102 Stat. 3922), should be located in Area I. This determination is consistent with the sense of Congress expressed in section 3 of that Act, that it would be most fitting and appropriate to place this memorial within the 2.2-acre site of the Vietnam Veterans Memorial. That site is within Area I.

In accordance with section 6(a) of the Act of November 14, 1986 (100 Stat. 3650, 3651), notice is hereby given that I have approved the location of this proposed memorial in Area I, that through my designee I have consulted with the National Capital Memorial Commission, and that I have determined that the memorial authorized by the Act of November 15, 1988, should be located in Area I. Under section 6(a) of the Act of November 14, 1986, the location in Area I shall be deemed disapproved unless the location is approved by law not later than 150 days after this notification.

Enclosed is a draft of a joint resolution which, if enacted in 150 days, would have the effect of approving the location of this memorial in Area I. We recommend that it be introduced and referred to the appropriate Committee for consideration, and we recommend its timely enactment.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft joint resolution from the standpoint of the Administration's program.

Sincerely,

CONSTANCE B. HARRIMAN,
Assistant Secretary.

JOINT RESOLUTION Approving the location of the memorial to the women who served in Vietnam

Whereas section 6(a) of the Act entitled "An Act to provide standards for placement of commemorative works on certain Federal Lands in the District of Columbia and its environs, and for other purposes," approved November 14, 1986 (100 Stat. 3650, 3651), provides that the location of a commemorative work in the area described therein as Area I shall be deemed disapproved unless, not later than one hundred fifty days after the Secretary of the Interior or the Administrator of General Services notifies the Congress of his determination that the commemorative work should be located in Area I, the location is approved by law;

Whereas the Act approved November 15, 1988 (102 Stat. 3922), authorizes the Vietnam Women's Memorial Project, Inc., to establish a memorial on Federal land in the District of Columbia or its environs to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era;

Whereas section 3 of the said Act of November 15, 1988, states the sense of the Congress that it would be most fitting and appropriate to place the memorial within the 2.2-acre site of the Vietnam Veterans Memorial in the District of Columbia which is within Area I; and

Whereas the Secretary of the Interior has notified the Congress of his determination that the memorial authorized by the said Act of November 15, 1988, should be located in Area I: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the location of a commemorative work to honor women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era, authorized by the Act approved November 15, 1988 (102 Stat. 3922), in the area described in the Act approved November 14, 1986 (100 Stat. 3650), as Area I, is hereby approved.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the joint resolution, Senate Joint Resolution 207, as reported.

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